

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

VERNON D. RICKARD, M.D.
Certificate No. G-26114,

Respondent.

NO. D-3081

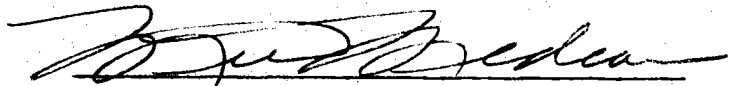
DECISION

The attached Stipulation is hereby adopted by the Division
of Medical Quality of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on June 18, 1984.

IT IS SO ORDERED May 18, 1984.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 STEVEN M. KAHN

4 Deputy Attorney General
5 1515 K Street, Suite 511
6 Sacramento, California 95814
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8 Attorneys for Complainant

9 BEFORE THE
10 DIVISION OF MEDICAL QUALITY
11 BOARD OF MEDICAL QUALITY ASSURANCE
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

11	In the Matter of the Accusation)	No. D-3081
12	Against:)	
13	VERNON D. RICKARD, M.D.)	STIPULATION, DECISION
14	183 South Fairview Lane)	<u>AND ORDER</u>
15	Sonora, California 95370)	
16	Physician's and Surgeon's)	
17	Certificate No. G 026114)	
18	Respondent.)	

18 IT IS HEREBY STIPULATED by the parties to the above
19 entitled matter that the following is true:

20 1. Respondent Vernon D. Rickard, M.D. (hereinafter
21 "respondent") was heretofore issued physician's and surgeon's
22 certificate number G 026114 under the laws of the State of
23 California, and that at all times herein mentioned, said cer-
24 tificate was, and now is, in full force and effect.

25 2. On or about July 18, 1983, an accusation bearing
26 number D-3081 was filed by Stephen R. Wilford, Acting Executive
27 Director of the Board of Medical Quality Assurance of the State

1 of California, in his official capacity as such. Said accu-
2 sation listed causes for disciplinary action against respondent,
3 and said accusation is incorporated herein by reference as
4 though fully set forth at this point. Said respondent was duly
5 and properly served with accusation number D-3081 by certified
6 mail, and said respondent filed a timely notice of defense
7 requesting a hearing on the charges contained in the accusation.

8 3. Respondent has retained as his counsel John F.
9 Moulds, Esquire. Respondent has fully discussed with his counsel
10 the charges and allegations of violations of the California
11 Business and Professions Code alleged in accusation number D-
12 3081 and has been fully advised of his rights under the Admin-
13 istrative Procedure Act of the State of California, including
14 his right to a formal hearing and opportunity to defend against
15 the charges contained therein, and reconsideration and appeal
16 of any adverse decision that might be rendered following said
17 hearing. Said respondent knowingly and intelligently waives
18 his right to a hearing, reconsideration, appeal, and to any and
19 all other rights which may be accorded him pursuant to the
20 Administrative Procedure Act of the charges contained in accu-
21 sation number D-3081 subject, however, to the provisions of
22 paragraph 6 herein.

23 4. For purposes of any proceedings between respondent
24 and the Division of Medical Quality (hereinafter "Division") and
25 for no other purposes, respondent admits that the following
26 facts are true:

27 ///

1 A. Commencing on or about September 2, 1981, respon-
2 dent saw Serentity E., age 8, at his offices in Sonora, Cali-
3 fornia.

4 B. On or about September 11, 1981, respondent per-
5 formed allergy tests on Serentity E. During the course of said
6 testing, respondent administered Dilaudid and Valium to said
7 patient, after which Serentity E.'s respiration became severely
8 depressed and she required emergency resuscitation. Respondent's
9 use of said drugs for Serentity E. on or about September 11,
10 1981, constitutes incompetence.

11 C. During the period from on or about September 2,
12 1981, through at least March 1982, respondent tested and treated
13 Serentity E. for a variety of purported allergies. Respondent
14 was incompetent in his testing and treatment of these allergies.

15 5. Pursuant to the facts admitted hereinabove, respon-
16 dent admits that his physician's and surgeon's certificate is
17 subject to disciplinary action pursuant to sections 2220 and
18 2234 of the Business and Professions Code in that he has vio-
19 lated Business and Professions Code section 2234, subdivision
20 (d).

21 6. In the event that this stipulation, decision, and
22 order is not accepted and adopted by the Division of Medical
23 Quality of the Board of Medical Quality Assurance of the State
24 of California, the admissions and characterizations of law and
25 fact made by all parties herein shall be null, void, and inad-
26 missible in any proceeding involving the parties to it.

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1 WHEREFORE, it is stipulated that the Division of Medi-
2 cal Quality of the Board of Medical Quality Assurance may issue
3 the following decision and order:

4 Physician's and surgeon's certificate number G 026114
5 issued to respondent Vernon D. Rickard, M.D. is hereby revoked,
6 provided, however, that said revocation shall be stayed and
7 respondent shall be placed upon probation for a period of five
8 (5) years upon the following terms and conditions:

9 1(A). Prior to the effective date of this decision,
10 respondent shall take and pass an oral clinical examination in
11 internal medicine to be given by the Division or its designee.
12 If respondent fails this examination, he shall cease the practice
13 of medicine until he passes it, and must wait three months be-
14 tween re-examinations, except that after three failures respon-
15 dent must wait one year to take each necessary re-examination
16 thereafter. The Division shall pay the cost of the first exami-
17 nation, and respondent shall pay the costs of any subsequent
18 examinations.

19 (B). Respondent shall not practice medicine after
20 the effective date of this decision unless and until he has
21 passed the examination and has been so notified by the Division
22 in writing. However if the examination is not given until after
23 the effective date of the decision, and where any delay is not
24 the fault of respondent, he shall be permitted to continue the
25 practice of medicine until the examination is given and until he
26 is notified that he has failed the examination. Upon said noti-
27 fication, he shall cease practicing medicine until he passes the
28 examination.

1 2. Commencing on the effective date of the decision,
2 respondent shall be prohibited from engaging in the diagnosis
3 and treatment of allergies. Said prohibition shall continue
4 until respondent complies with and completes each of the fol-
5 lowing conditions:

6 (A). Within 60 days of the effective date of this
7 decision, respondent shall submit to the Division or its designee
8 for its prior approval, an intensive clinical training program
9 in conventional allergy and immunology of not less than six
10 months duration.

11 (B). Upon completion of the intensive clinical train-
12 ing program and within 90 days thereafter, respondent shall take
13 and pass an oral clinical examination in conventional allergy
14 and immunology to be administered by the Division or its designee.
15 If respondent fails this examination, respondent must wait three
16 months between re-examinations, except that after three failures
17 respondent must wait one year to take each necessary re-exami-
18 nation thereafter. The Division shall pay the cost of the first
19 examination and respondent shall pay the costs of any subsequent
20 examinations.

21 (C). Upon successful completion of the conditions
22 described in paragraphs 2(A) and 2(B) above, respondent shall be
23 permitted to resume the diagnosis and treatment of allergies by
24 conventional means, provided, however, that:

25 i) Prior to resuming such practice, respondent shall
26 submit to the Division or its designee for its prior approval,
27 his diagnosis and treatment protocols for allergy patients. The

1 Division or its designee shall not unreasonably withhold such
2 approval.

3 ii) Respondent shall be prohibited from the use of
4 the allergy diagnostic and treatment modalities intradermal
5 symptom suppressant technique AKA provocative and neutralization,
6 sublingual drop therapy AKA provocative technique; and any form
7 of cytotoxic testing of allergies.

8 In the event that said prohibited modalities are
9 determined by the Division to be acceptable for clinical usage,
10 respondent may petition the Division for modification of his
11 probation.

12 3. Commencing on the effective date of the decision,
13 and except as set forth in paragraph 3(C) below, respondent
14 shall be prohibited from administering or furnishing any con-
15 trolled substances in an office or hospital until he complies
16 with and completes each of the following conditions:

17 (A). Within 60 days of the effective date of this
18 decision, respondent shall submit to the Division or its designee
19 for its prior approval, an educational program or courses re-
20 lating to the use of controlled substances of not less than
21 forty (40) hours. This program shall be in addition to the
22 Continuing Medical Education requirements for re-licensure.

23 (B). Upon completion of this educational program and
24 within 90 days thereafter, respondent shall take and pass an
25 oral clinical examination in the use of such drugs to be admin-
26 istered by the Division or its designee. If respondent fails
27 this examination, respondent must wait three months between re-

1 examinations, except that after three failures respondent must
2 wait one year to take each necessary re-examination thereafter.
3 The Division shall pay the cost of the first examination and
4 respondent shall pay the costs of any subsequent examinations.

5 (C). In an emergency situation, respondent may admin-
6 ister or furnish controlled substances in an office or hospital.
7 Within 15 days of each such occurrence, respondent shall send
8 to the Division an explanation of such occurrence which shall
9 include all of the information described in paragraph 4 below.
10 Respondent is not prohibited from writing prescriptions for
11 controlled substances for out-patients.

12 4. Respondent shall maintain a record of all con-
13 trolled substances prescribed, dispensed or administered by
14 respondent during probation, showing all the following: 1) the
15 name and address of the patient, 2) the date, 3) the character
16 and quantity of controlled substances involved, and 4) the
17 pathology and purpose for which the controlled substance was
18 furnished.

19 Respondent shall make such records available for
20 inspection and copying by the Division or its designee, upon
21 request.

22 5. Respondent shall obey all federal, state and
23 local laws and all rules governing the practice of medicine in
24 California.

25 6. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Division,
27 stating whether there has been compliance with all the con-
28 ditions of probation.

1 7. Respondent shall comply with the Division's pro-
2 bation surveillance program.

3 8. Respondent shall appear in person for interviews
4 with the Division's medical consultant upon request at various
5 intervals and with reasonable notice.

6 9. In the event respondent should leave California
7 to reside or to practice outside the State, respondent must
8 notify in writing the Division of the dates of departure and
9 return. Periods of residency or practice outside California
10 will not apply to the reduction of this probationary period.

11 Upon successful completion of probation, respondent's
12 certificate will be fully restored. If respondent violates
13 probation in any respect, the Division, after giving respondent
14 notice and the opportunity to be heard, may revoke probation and
15 carry out the disciplinary order that was stayed. If an accu-
16 sation or petition to revoke probation is filed against respon-
17 dent during probation, the Division shall have continuing juris-
18 diction until the matter is final, and the period of probation
19 shall be extended until the matter is final.

20 DATED: *February 21, 1984*

21 JOHN K. VAN DE KAMP, Attorney General
22 of the State of California
23 STEVEN M. KAHN
24 Deputy Attorney General

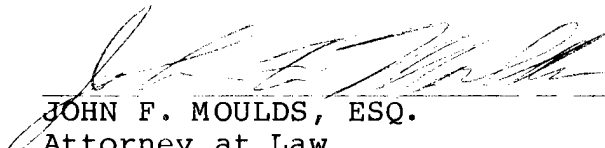


25 STEVEN M. KAHN
26 Deputy Attorney General

26 Attorneys for Complainant

27 ///

1 DATED:

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3 
JOHN F. MOULDS, ESQ.
Attorney at Law

4 Attorney for Respondent
5 Vernon D. Rickard, M.D.

6
7 I HAVE READ the stipulation, decision, and order. I
8 understand I have the right to a hearing on the charges con-
9 tained in the accusation, the right to cross-examine witnesses,
10 and the right to introduce evidence in mitigation. I have dis-
11 cussed this stipulation and the charges contained in the accu-
12 sation with my counsel and my rights to hearing and defense. I
13 knowingly and intelligently waive all of these rights, and under-
14 stand that by signing this stipulation, I am permitting the
15 Division of Medical Quality to impose discipline against my
16 license. I understand the terms and ramifications of the stipu-
17 lation, decision, and order, agree to be bound by its terms.

18 DATED:

19
20 
VERNON D. RICKARD, M.D.

21 Respondent

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23 ///

24 ///

25 ///

26 ///

27 ///

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2 of the State of California
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8 Attorneys for Complainant

9 BEFORE THE
10 DIVISION OF MEDICAL QUALITY
11 BOARD OF MEDICAL QUALITY ASSURANCE
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation) No. D-3081
15 Against:)
16)
17 VERNON D. RICKARD, M.D.) ACCUSATION
18 183 South Fairview Lane)
19 Sonora, California 95370)
20)
21 Physician's and Surgeon's)
22 Certificate No. G 026114)
23)
24 Respondent.)
25)
26)
27)

28 Stephen R. Wilford, the complainant herein, alleges as
29 follows:

30 1. At the time of executing and filing the within
31 pleading, the complainant was, and now is, the Acting Executive
32 Director for the Board of Medical Quality Assurance of the State
33 of California and makes and files this accusation in his official
34 capacity as such and not otherwise.

35 2. On or about December 3, 1973, respondent Vernon D.
36 Rickard, M.D. (hereinafter "respondent"), was issued Physician's
37 and Surgeon's Certificate No. G 026114 under the laws of the

1 State of California. Said certificate is presently in full
2 force and effect.

3 3. Section 2234 of the Business and Professions Code
4 (hereinafter "the Code") provides that the Division of Medical
5 Quality of the Board of Medical Quality Assurance shall take
6 action against a holder of a physician's and surgeon's
7 certificate who is guilty of unprofessional conduct.

8 4. Section 2234, subdivision (b), of the Code
9 provides that gross negligence constitutes unprofessional
10 conduct.

11 5. Section 2234, subdivision (d), of the Code
12 provides that incompetence constitutes unprofessional conduct.

13 6. Section 2234, subdivision (c), of the Code
14 provides that repeated similar negligent acts constitutes
15 unprofessional conduct.

16 I

17 SERENTITY E.

18 7. Respondent is subject to disciplinary action
19 pursuant to section 2234 of the Code in that he is guilty of
20 unprofessional conduct in violation of section 2234, subdivisions
21 (b) and (d), as more particularly alleged hereinafter:

22 A. Commencing on or about September 2, 1981,
23 respondent saw Serentity E., age 8, at his offices in Sonora,
24 California.

25 B. On or about September 11, 1981, respondent
26 performed allergy tests on Serentity E. During the course of
27 said testing, respondent administered Dilaudid and Valium to

1 said patient, after which Serentity E.'s respirations became
2 severely depressed and she required emergency resuscitation.
3 Respondent's use of said drugs for Serentity E. on or about
4 September 11, 1981, constitutes gross negligence and
5 incompetence.

6 C. During the period from on or about September 2,
7 1981, through at least March 1982, respondent tested and treated
8 Serentity E. for a variety of purported allergies. Respondent
9 was negligent and incompetent in that his testing and treatment
10 of these allergies was by experimental and unproven techniques.

11 II

12 JEREMY H.

13 8. Respondent is further subject to disciplinary
14 action pursuant to section 2234 of the Code in that he is guilty
15 of unprofessional conduct in violation of section 2234,
16 subdivisions (b) and (d) as more particularly alleged
17 hereinafter:

18 A. Commencing on or about December 14, 1979,
19 respondent saw patient Jeremy H., age 3½, in his offices in
20 Sonora, California.

21 B. On or about May 5, 1980, respondent performed
22 allergy tests on Jeremy H. During the course of said testing,
23 respondent administered Dilaudid to Jeremy H., after which said
24 patient's respiration became severely depressed. Respondent's
25 use of Dilaudid for Jeremy H. on or about May 5, 1980,
26 constitutes gross negligence and incompetence.

27 C. On or about January 27, 1981, respondent performed
28 allergy tests on Jeremy H. During the course of said testing,

1 respondent administered Dilaudid to said patient, after which
2 Jeremy H.'s respiration became severely depressed. Respondent's
3 use of Dilaudid for Jeremy H. on or about January 27, 1981,
4 constitutes gross negligence and incompetence.

5 D. During the period from on or about March 10, 1980,
6 through at least April 1981, respondent tested and treated
7 Jeremy H. for a variety of purported allergies. Respondent was
8 negligent and incompetent in that his testing and treatment of
9 allergies was by experimental and unproven techniques.

10 III

11 BRIAN M.

12 9. Respondent is further subject to disciplinary
13 action pursuant to section 2234 of the Code in that he is guilty
14 of unprofessional conduct in violation of section 2234, sub-
15 divisions (b) and (d) as more particularly alleged hereinafter:

16 A. Commencing on or about April 22, 1980, respondent
17 saw Brian M., age 5, at his offices in Sonora, California.

18 B. On or about May 21, 1980, respondent performed
19 allergy tests on Brian M. During the course of said testing,
20 respondent administered Dilaudid to Brian M., after which said
21 patient's respiration became severely depressed. Respondent's
22 use of Dilaudid for Brian M. on or about May 21, 1980,
23 constitutes gross negligence and incompetence.

24 C. During the period from on or about May 21, 1980,
25 through at least July 1980, respondent tested and treated Brian
26 M. for a variety of purported allergies. Respondent was
27 negligent and incompetent in that his testing and treatment of

1 allergies was by experimental and unproven techniques.

2 10. Respondent is further subject to disciplinary
3 action pursuant to section 2234 of the Code in that he is guilty
4 of unprofessional conduct within the meaning of section 2234,
5 subdivision (c), as more particularly alleged hereinafter:

6 A. Paragraphs 7A, 7B, 7C, 8A, 8B, 8C, 9A, 9B and 9C
7 hereinabove are incorporated herein by reference as though fully
8 set forth at this point.

9 B. Respondent's use of Dilaudid for said patients
10 constitutes repeated similar negligent acts.

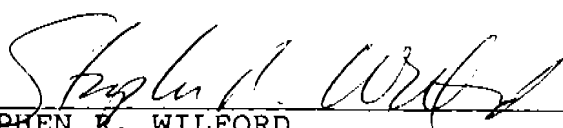
11 C. Respondent's use of experimental and unproven
12 techniques to test and treat purported allergies of said patients
13 constitutes repeated similar negligent acts.

14 WHEREFORE, complainant prays that the Division of
15 Medical Quality hold a hearing on the matters alleged herein and
16 following said hearing issue a decision:

17 1. Suspending or revoking the license issued to
18 respondent Vernon Rickard, M.D.; and

19 2. Taking such other and further action as is deemed
20 proper.

21 DATED: July 15, 1983

22 
23 STEPHEN R. WILFORD
24 Acting Executive Director
25 Board of Medical Quality Assurance
26 Department of Consumer Affairs
27 State of California

Complainant

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